



General Assembly

Substitute Bill No. 6667

January Session, 2013



**AN ACT CONCERNING THE LIABILITY OF AN EMPLOYER WHO
DISCIPLINES OR DISCHARGES AN EMPLOYEE ON ACCOUNT OF
THE EXERCISE OF CERTAIN CONSTITUTIONAL RIGHTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-51q of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) For the purposes of this section, "employer" does not include the
4 state or any instrumentality or political subdivision thereof.

5 (b) Any employer [, including the state and any instrumentality or
6 political subdivision thereof,] who subjects any employee to discipline
7 or discharge on account of the exercise by such employee of rights
8 guaranteed by the first amendment to the United States Constitution
9 or section 3, 4 or 14 of article first of the Constitution of the state of
10 Connecticut, [provided such] which activity does not substantially or
11 materially interfere with the employee's bona fide job performance or
12 the working relationship between the employee and the employer,
13 shall be liable to such employee for damages caused by such discipline
14 or discharge, including punitive damages, and for reasonable
15 attorney's fees as part of the costs of any such action for damages. If
16 the court determines that such action for damages was brought
17 without substantial justification, the court may award costs and
18 reasonable attorney's fees to the employer. It shall not be a defense to

- 19 an action filed under this section that such activity by an employee
20 was within the scope of the employee's employment.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2013 | 31-51q |

JUD *Joint Favorable Subst.*